

# FOREIGNERS IN FRONT OF THE CRIMEAN KHAN'S COURTS IN THE SEVENTEENTH AND EIGHTEENTH CENTURIES"\*

Natalia Królikowska-JEDLIŃSKA

Assist. Prof.  
Institute of History  
University of Warsaw

**Abstract:** *The present paper discusses the issue of foreigners appearing in front of the Crimean Khans' courts in the seventeenth and eighteenth centuries. In-depth analysis of three case studies shed light not only on the attitude of the Crimean judicial administration and local inhabitants towards strangers, but also reveal important information on the judicial system itself. Data on the three cases are preserved in three different types of sources, i.e. in the Crimean court registers, in the correspondence of the Catholic missionaries ministering in the Crimea and in a travel account written by a European merchant. Thus, the present study not only presents the fascinating stories of a Polish-Lithuanian Tatar enslaved in the Crimea at the beginning of the 17<sup>th</sup> century, of a Dominican missionary accused of immoral conduct in the 1630s and of a German merchant robbed in Kara Su in the 1760s, but also demonstrates how various types of sources can be used by researchers on the Early Modern Crimea.*

**Key words:** *Crimean khans, Catholic missionaries, slaves, European travelers, Polish-Lithuanian Tatars.*

## ONYEDİNCİ VE ONSEKİZİNCİ YÜZYILLARDA KIRIM HANLARININ MAHKEMELERİNDE YABANCILAR

**Öz:** *Bu çalışma, onyedinci ve onsekizinci yüzyıllarda Kırım Hanlığı Mahkemelerinde yabancıların taraf olduğu davaları ele almaktadır. Derinlemesine analize tabi tutulan üç dava, yalnızca Kırım'daki yargı*

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*sistemi ve yerel halkın yabancılara karşı tutumlarını değil, aynı zamanda Kırım'daki yargı sistemi kendisi hakkında da önemli bilgileri ortaya koymaktadır. Bu üç davaya ait veriler, üç farklı kaynaktan muhafaza edilmiştir. Bunlar, mahkeme kayıtları, Kırım'da faaliyet gösteren Katolik misyonerlerin yazışmaları ve Avrupalı tüccarların seyahat yazıdır. Dolayısıyla, bu çalışma yalnızca onyedinci yüzyıl başlarında Kırım'da esir edilen bir Polonya-Litvanya Tatarının, 1630'larda ahlaka aykırı davranışlar sergilemekle suçlanan bir Dominiken misyonerinin ve 1760'larda Kara Su'da soyulan bir Alman tüccarının etkileyici hikayelerini anlatmakla kalmayıp, farklı kaynakların erken-modern dönem Kırım hakkındaki araştırmalarda kullanılabileceğini de göstermektedir.*

**Anahtar Kelimeler:** Kırım hanları, Katolik misyonerler, esirler, Avrupalı seyyahlar, Polonya-Litvanya Tatarları

## Introduction

In 2013, a Polish historian Andrzej Gliwa published a comprehensive study on the war damage in Przemyśl Land, which was located in the western part of the Ruthenian voivodship of the Polish-Lithuanian Commonwealth in the seventeenth century. Using new methodological tools, Gliwa conducts research on the size, distribution and consequences of the losses in this territory, which suffered from 18 military operations of the enemy troops (Tatars, Cossacks, Transylvanians, Swedes) in the years 1618-1699. His study is based on critical and detailed analysis of Polish so-called mass sources clearly demonstrates that the Tatar raids constituted the most destructive factor for the economy of Przemyśl Land in the seventeenth century. Gliwa also stresses that the Tatars used “destabilization techniques aimed to evoke common fear and panic” and that “the Tatar military missions may be defined as a threat of total and existential character, which left an indelible mark in the collective memory of the Ruthenian lands of the Polish-Lithuanian state.”<sup>1</sup> It comes as no surprise, therefore, that the Tatars were remembered and described by many European writers as “others” wallowing in the Christian blood. Yet, already in the 1970s, Alexandre Bennigsen emphasized shortcomings of such a one-sided perception of the Khanate.<sup>2</sup> Similar remarks on the subject one finds in the recently published study on Polish-Crimean Tatar relations authored by Dariusz Kołodziejczyk.<sup>3</sup> One should keep in mind that Early Modern European travelers and diplomats besides justified complaints on the Tatar raids added far more positive remarks on the Khanate. For example, many of them presented it as a state of law and order. Authors of the famous descriptions of the peninsula such as Wencław Mikołajewicz from Mejszagoła, known as Michalon Litwin or Mykolos Lietuvis,<sup>4</sup> Marcin

1 A. Gliwa, *Kraina upartych niepogód. Zniszczenia wojenne na obszarze ziemi przemyskiej w XVII wieku* [The Land of Persistent Bad Weather. War Damage in Przemyśl Land in the 17th Century], Wydawnictwo Naukowe Towarzystwa Przyjaciół Nauk w Przemyślu, Przemyśl 2013, pp. 665-672.

2 *Le Khanate de Crimée dans les Archives du Musée du Palais de Topkapı*, ed. A. Bennigsen et al., Mouton Éditeur, Paris 1978, pp. 1-29.

3 D. Kołodziejczyk, *The Crimean Khanate and Poland-Lithuania International Diplomacy on the European Periphery (15th–18th Century). A Study of Peace Treaties Followed by Annotated Documents*. Brill, Leiden-Boston 2011, pp. I-XXIX.

4 Michalon Litwin, *De moribus Tartarorum, Litvanorum et Moschorum, fragmina decem*, Basileae 1615, pp. 19-21. On Michalon Litwin see also: J. Ochmański, *Michalon Litwin i jego traktat “O zwyczajach Tatarów, Litwinów i Moskwińców z połowy XVI wieku* [Michalon Litwin and his treatise On customs of the Tatars, Lithuanians, and Muscovites]: in: idem, *Dawna Litwa* [The Ancient Lithuania], Wydawnictwo Pojezierze, Olsztyn 1986, pp. 134-157.

Broniewski or François de Tott<sup>5</sup> praised the Crimean judicial system and law-abiding Tatars. Although none of these authors was involved in a court proceeding in the Khanate, these remarks have a special importance to the present study, since it focuses on three cases, in which foreigners acted as parties in the judicial trails in front of the Crimean courts. Research on this issue based on previously under-researched archival materials adds to our understanding on several fields connected with the Khanate's history. Firstly, it offers a glimpse on the Tatar attitude towards the foreigners who reached the peninsula in very different ways and for a variety of reasons. Secondly, it allows to discuss the most important features characterizing the Crimean-Tatar legal system in the Early Modern Period. Finally, the present study presents usage of three different types of sources namely of the Crimean court registers (*sicils*), of the Catholic missionaries' correspondence and reports, as well as of the European travel accounts. They are of special importance for a researcher on the history of the Crimean Khanate and the Black Sea Region in the Early Modern Period. Basic information on every type of source is provided below in the subsections concerning the particular case.

### A Polish-Lithuanian Tatar turn into slave in the 17th century

The first case concerning Ismail, a Polish-Lithuanian Tatar,<sup>6</sup> is preserved in the Crimean court registers (*sicils*). Description of the case shall be preceded by a short introduction of this particular type of historical source, because data preserved in the court registers are of particular importance for the researchers on the Crimean domestic history. The collection of 121 volumes is the only remaining source which was produced by the Khanate's administration and which covers an extensive period in its history (1608-1783). The collection is preserved in the

5 F. de Tott, *Memories of the Baron de Tott, on the Turks and the Tartars*, London 1785, vol. 2, pp. 381-382.

6 There is an abundant literature on the Polish-Lithuanian Tatars, so-called "Lipka Tatars", see for example the classical article by Zygmunt Abrahamowicz, ("Lipka" *The Encyclopaedia of Islam*, 2nd ed., vol. 5, Brill, Leiden-Boston 1986, pp. 765-767) or recently published studies by Artur Konopacki (*Życie Religijne Tatarów na ziemiach Wielkiego Księstwa Litewskiego w XVI-XIX wieku* [Religiosity of the Tatars from the Great Duchy of Lithuania in the 16th-19th centuries]. Wydawnictwa Uniwersytetu Warszawskiego, Warsaw 2010), Adam Moniuszko (*Changes in the Legal Culture of Lithuanian Tatars from the Sixteenth to the Eighteenth Century* in: *Crossing Legal Culture*, ed. L. B. Varela, P. G. Vega, A. Spinosa, Meidenbauer, München 2009, s. 187-201) or Michael Połczyński (*Seljuks on the Baltic: Polish-Lithuanian Muslim Pilgrims in the Court of Ottoman Sultan Süleyman*, "Journal of Early Modern History" 19 (2015), pp. 1-29).

Russian National Library in St. Petersburg *Otdel Rukopisev Rossiiskoi Natsionalnoi Biblioteki* [hereafter, ORRNB]).<sup>7</sup> It contains 119 court registers and 2 registers of real estate left by Christians who emigrated from the Crimean peninsula in 1778. The Crimean *sicils* resemble the Ottoman ones in many ways. The content of a *sicil* reveals the work of judges and their auxiliary staff. In the Crimean Khanate, the ruler delegated his judicial power to the *kadiasker*<sup>8</sup> and to the district judges (*kadis*<sup>9</sup>). The former presided over the court on the capital and was also a member of the khan's council, which played the role of judicial court. The Crimean court registers resemble the Ottoman ones in many ways. The records of proceedings consist mainly of two types of documents, i.e., title-deeds (*hüccets*) and written judgements (*i'lams*). An examination of *sicils* from different parts of the Ottoman Empire and the Crimean Khanate reveals a certain degree of standardization in the recording of court proceedings. The introductory formulae are followed by data concerning a plaintiff and a defendant or, in the case of contract, its two parties. Usually descriptions of litigants contain indications about their religion. Like in the Ottoman *sicils*, it is usually clear whether the litigants were Muslim or non-Muslim as different formulae were used to describe members of thus defined groups. The formulae often reveal the Non-Muslims religion and confession (e.g. *yahudi* [Jew or Karaite], *armeni* [Armenian], social background and residential affiliation. Rarely, their social status and occupation are recorded in the Crimean *sicils*. The social status of Muslims is more clearly described in the Crimean judicial entries. The following part of the entries consists of the hearing records. It opens with the statement or the accusation of the plaintiff, followed by the reaction of the other party. Like in the Islamic-Ottoman court procedure, oral testimony played crucial role in the Khanate. Thus the entries usually contain "voices" of the parties edited by court writers. Moreover, this part contains information about any other evidence used in the court. Should one expect that every entry ends with the *kadi*'s sentence, one would be most disappointed. With the exemption of *i'lams*, the entries seldom contain verdicts, as it was not a required part

7 O. Vasilieva, *Krymsko-tatarskie rukopisnye materialy w otdel rukopisii*, „Rossiiskaia Natsionalnaia Biblioteka. Wostocznyi Sbornik” 5 (1993), 37-45.

8 The *kadiasker* was a chief judge in the Crimean Khanate. He was a member of the khan's council and presided over the court located in Bahçesaray.

9 Like in the Ottoman Empire, in the Khanate, the *kadis* played a vital role in the provincial administration. Delivering justice on the territory of the judicial district (*kaza*) constituted an essential part of their duties. In addition to their judicial and notarial roles, the *kadis* served as provincial links in the Khanate's administrative networks. As a key provincial-level administration unit, the judicial court registered and transmitted orders from various dignitaries and officials. The *kadis* had also broad prerogatives to control economic life in their districts.

of a formal registration of a case. Instead, we encounter formulae such as: “after the legal confirmation, everything that happened has been written upon their [litigants] request” or “the present record has been written in accordance with what has happened.” Therefore, it often remains unclear to what kind of punishment the culprit was actually sentenced by the judge. The date and the case witnesses (*şuhudu l-hal*) were recorded in the closing part of the document. Case witnesses were the persons presented in the court not only to attest to the authenticity of the proceeding but also to check the work of the court. These witnesses, recruited from the members of local communities, brought testimony to the truth of registered documents.

These basic rules apply to the record concerning Ismail, a Polish-Lithuanian Tatar, who sought the Khan’s justice in the year 1610/1611. Presumably, the young Polish-Lithuanian Tatar was taken into captivity during one of the Tatar raids on Poland-Lithuania, which took place during the period of temporary domestic chaos in the Khanate in the years 1610-1611. The inner troubles were caused by the struggle over the Crimean throne between Canibek Giray and two brothers, Mehmed and Şahin Girays. Although already in 1610, Canibeg Giray prevailed over his rivals and resumed peace negotiations with the Commonwealth, he could not restrain the Tatars from raids on Polish-Lithuanian borderlands.<sup>10</sup> From the court record we learn that Ismail accused certain Sufi Bosaj that he held him as his slave although the Lipka Tatar, as a good Muslim, must not have been enslaved.<sup>11</sup> Sufi Bosaj defended himself and said that he has bought Ismail from another Crimean Tatar, who claimed to be a rightful owner of Ismail. Yet, the latter quoted a passage from the Quran and produced two witnesses who stated that he is a Muslim, and a son of Polish-Lithuanian Tatars; Allahkul and Hanife. The record ends with a closing formula that the sentence was issued according to the law. Presumably, Ismail left the court as a free person.

The purpose of presenting this case is two-fold: firstly to share an interesting story recorded in a typical way in the Crimean *sicils*;

10 D. Kołodziejczyk, *The Crimean Khanate and Poland-Lithuania International Diplomacy*, pp.123-124.

11 The record contains the following words ascribed to Ismail: “Ben vilayeti Koral’dan Lipka nam Tatar ta’ifesinden iken işbu Bosaj Sufi beni Tok? Mehmed nam malinden iştira edüb beni kul gibi kulanmak aldı. Ben Muslimanoğlu Muslimanım. Babam (...) Allahkuldur, annem (...) Hanifedir ve ben dahi İslami bi’ttamam ve elkelam bilirim/ I am from the Lithuanian Tatars from the [Polish-Lithuanian] kingdom. This Bosaj Sufi bought me from Tok? Mehmed and used me like a slave. But I am a Muslim and a son of a Muslim. My father is Allahkul, and my mother is Hanife, and I also know each and every word of Islam” (ORRN. Fond 917, 1/69a/1).

secondly: to bring to light the critical issue of slaves as parties in the judicial proceedings on the peninsula. Although this paper does not allow to discuss this problem in detail, it should be emphasized that the discussed case shows that slaves could act on their own behalves and bring their disputes concerning their status to the court. More detailed analysis of the Crimean court records shows that slaves formed a visible group of people of foreign origins who sought and could successfully defend their cases in front of the Khan's court.<sup>12</sup>

### **Accusation against Father Innocent Felici of Malta in August 1636**

The second case concerning Father Innocent Felici of Malta, a Dominican missionary, is based on the materials preserved in the Archives of the Sacred Congregation for the Propagation of the Faith.<sup>13</sup> The Italian Fathers of the Dominican Order were the first European missionaries to set foot in Crimea in January 1625.<sup>14</sup> From that time

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12 For bibliography of recently published studies on slavery in the Black Sea Region see: A. Lavrov, *Captivity, slavery and gender: Muscovite female captives in the Crimean Khanate and in the Ottoman empire in: Eurasian Slavery, Ransom and Abolition in World History, 1200-1860*, ed. C. Witzernath, Ashgate, Surrey-Burlington 2015, pp. 309-319; N. Królikowska, "Status społeczny, warunki życia i religijność niewolników z ziem Rzeczypospolitej na Krymie w XVII w." [Social Standing, Living Conditions and Religiosity of Slaves from the territory of the Commonwealth in the Crimea in the 17th Century], *Przegląd Historyczny*, (104) 2014, no 4, 545-563.

13 The letters exchanged between the missionaries and their correspondents in the Sacred Congregation for the Propagation of the Faith, to which both sides attached a variety of documents, contain abundant data on the missionaries' activities in the region and local Muslim-Christian relations. They are preserved in the Propaganda Fide Historical Archives in Rome (hereafter: APF). The most important sources are to be found in the following archival funds: 1 - Acta Sacrae Congregationis (hereafter: ACTA) containing the minutes of the monthly meetings of Cardinals and other members of the Congregation, the reports of the most important officials of the Congregation and the resolutions taken by the members; 2 - Scritture originali referite nelle Congregazione (hereafter: SOCG) containing documents used as a basis for discussion during the monthly meetings; 3 - Scritture referite nei Congressi (hereafter: S.C.), which groups the documents referred to during the weekly meetings. Although the Congregation considered this material as less important than the documents preserved in SOCG funds, modern historians praise the S.C. funds as a treasure-trove of information in regard to the daily life of the missionaries; 4 - Fondo Lettere e decreti della Sacra Congregazione e biglietti di Mons. Segretario (hereafter: Fondo Lettere) containing copies of the letters sent by the secretaries of the Congregation and informing of its decisions.

14 The two decades following the arrival of the Dominican fathers in the Crimea witnessed numerous changes on the Crimean throne and tensions between the Crimean rulers and their neighboring states, including the Ottoman Empire. It is beyond the scope of the present paper to describe even briefly the international and domestic policy of the Crimean Khans, who ruled in that period. For more information on the subject see D. Kołodziejczyk, *The Crimean Khanate and Poland-Lithuania International Diplomacy*, pp. 131-159; O. Khaivoronski, *Poveliteli dvukh materikov* [The Conquerors of the Two Continents], vol. 2: *Krymskie khany pervoi poloviny XVII stoletia v bor'be za samostoiatel'nost' i edinovlastie* [The Struggle of the Crimean Khans from the First Half of the 17th Century for Independence and Sovereignty], Majstermia Knyhy, Kiev-Baghchasaray, 2009, pp. 83-267.

onward as long as the missionaries stayed on the peninsula, the Congregation in Rome received letters and reports, to which various documents were attached concerning the Crimea and the Northern Caucasus. First letters sent by Father Innocent Felici of Malta from Fociola<sup>15</sup> (Foti-sala) in the Crimea date back to the year 1630,<sup>16</sup> but he must have arrived on the peninsula already in the year 1625.<sup>17</sup> In that period, he served to the local Catholics.<sup>18</sup> During next years, he must have gained the trust of the Khan's court since he was sent as an interpreter of the Tatar envoy to Vienna in 1633.<sup>19</sup> Apparently, the Congregation urged him to return as soon as possible from the Habsburg Empire to to his abandoned flock in the Crimea, because in his letter dated in mid-October 1633, Innocent made an effort to justify his long protracted stay in Vienna.<sup>20</sup> In a letter sent in August 1636, Father Innocent Felici of Malta, described his encounter with the Crimean judicial system. He reported to the Congregation of Propaganda Fide in Rome that his fellow missionary Anthony of Flanders<sup>21</sup> accompanied

15 A 17th-century Ottoman register of the Caffa province dated in the year 1682 is one of the sources confirming that Fotsala, or Focciola as it was called by the brothers, was indeed inhabited by people of mixed Italian (Genovese)-Circassian origins. Here they are called simply "Circassians". For Fotsala, see the entry: "Fotsala" in: Henryk Jankowski, *A Historical–Etymological Dictionary of Pre–Russian Habitation Names of the Crimea*, Leiden and Boston 2006, pp. 475–476, and the Defter of the Caffa Province from the year 1682 preserved in the Oriental Department of the SS. Cyril and Methodius National Library in Sofia, Fond 310A, no. 241, f. 25v. The Italian missionaries used the name Focciola cf. APF, SOCG, vol. 104, f. 255v.

16 The letter dated on 20.05.1630, APF, SOCG, vol. 115, f. 359r-360v.

17 The letter sent by Innocent Felici from Messina dated in 8.01.1625, APF, SOCG, vol. 209, f. 496r.

18 In the Early Modern Period, the Catholics in the Crimea could be divided into two main groups: people of mixed Italian(Genovese)-Circassian origins, who retain religious beliefs of their ancestors, and slaves or war prisoners brought to the peninsula by the Tatars during raids or military campaigns against their Christian neighboring states.

19 Maria Ivanics mentioned that Khan Canibeg Giray sent the mission to Vienna in 1633 in order to inform on the change on the Crimean throne. The mission reached the Habsburg capital at the end of February, cf. eadem, *Posol'stva krymskikh Tatar pri Venskom dvore v 1598-1682 gg.* [Diplomatic Missions of the Crimean Tatars to the Habsburg Court in the Years 1598-1682] in: *Turcica et Ottomanica. Sbornik statei v chest' M.C. Meiera* [Turcica et Ottomanica. The studies in honor of M. C. Meier], Vostochnaja literatura RAN, Moscow 2006, pp. 226-236.

20 The letter dated in 15.10.1633, APF, SOCG, vol. 104, f. 269r-270r.

21 Anthony of Flanders (Antonio Fiandrese or Antonio Fiandrini) was a Dominican missionary, who took part in the missions in the Eastern Mediterranean in the 1630s-1640s. There are some ambiguities concerning his origins, which Rudi Matthee described as follows: "Petrovski was originally Flemish, judging by his original name, Antonio Fiandrese. He had assumed the leadership of the Polish delegation after the original head of the mission, Ilicz, had died in Isfahan. Fiandrese's account of his experience in Iran is contained in a letter from 28 March 1649, in Berchet, (ed.), *La repubblica di Venezia e la Persia*, pp. 218-225. He is clearly the same person as the Antonio von Flanderen mentioned in Eszer, *Giovanni Giuliani di Lucca*, pp. 411-414, as the one who was supposed to accompany Di Lucca to the Crimea in 1634" (Rudi Matthee, "Poverty and Perseverance: The Jesuit Mission of Isfahan and Shamakhi in Late Safavid Iran", *Al-Qantara* 36, 2015, no. 2, p. 463–501).



by a merchant called Mathew, who inhabited the village Foti-sala, accused him before the khan's Vizier<sup>22</sup> that he had been having extramarital affair with a local woman for last eight years. After making this allegation, Anthony testified that Father Innocent Felici of Malta brought 10 000 sequins from Vienna given by the Emperor for a new church. It is worth asking why Anthony volunteered to share this piece of information with the Vizier. Perhaps, he believed that the Crimean official would be tempted to act against Innocent in order to seize money donated by Ferdinand II. Such presumption indicates that Father Anthony did not hesitate to act against the best financial interests of the Dominican mission in order to stand out against Father Innocent. Since an accusation of illicit sex, continued the accused missionary, was a criminal act, he was imprisoned in the home of the Khan's captain of musketeers.<sup>23</sup> His friends had not left him, and immediately he was relieved thanks to the intervention of one of the Khan's wives. Accusation against Father Innocent Felici of Malta were to be judged by a *kadi* from the khanate.<sup>24</sup> During the trial, neither Anthony of Flanders nor Matthew could confess that they actually have seen the defender having illicit sex with the said woman. Thus, the *kadi* strongly reprimanded both of them, and threatened to give them flogging for making serious, but groundless, accusations. They made an attempt to defend themselves saying that they believed it was the Khan's vizier, well aware of the Emperor's donation, who insisted on incarceration of Father Innocent. . The Vizier knew that the woman, who was accused of being the missionary's concubine, was a milk sister of a Khan's wife. For this reason, as Father Innocent stated, the official was sympathetic towards him. Yet, the latter wanted the conflict to be solved by the *kadi*, who ordered the Dominican father to cease his relationship with the woman. Father Innocent Felici of Malta accepted it and declared that from that time onward they would live separately. Eventually, he was set free. He also assured the Congregation that he was looking forward

22 In the Khanate, the vizier was the most important minister of the khan and a member of his council.

23 Perhaps the author referred to the commander of *tifenkçis*. From an entry in the Kara Su *sicils* concerning a special tax collected for the purchase of guns, we learn about a unit of musketeers (*tifenkçis*) in the Khan's service, see ORRNB, Fond 917, defter 25/119b/4.

24 As it has been already mentioned, Foti-sala was situated in the Caffa province. Thus, one would expect the accusations against the Innocent to be brought in front of the Ottoman judge. Yet, the Dominican Father was taken to the khan's court. The reasons standing behind such a decision remain unclear. One should not overlook the fact that the Crimean court registers contain numerous cases involving the subjects of the sultan. Moreover, the data extracted from the *sicils* suggest that many Ottoman subjects preferred to apply to the khan's judges rather than to the Ottoman ones cf. N. Królikowska, *Law and Division of Power in the Crimean Khanate. A Study on the Reign of Murad Giray (1678-1683)*, PhD defended at the University of Warsaw, 2010, pp. 201-204.

to leave Crimea in order to keep company to Father Giovanni of Lucca in his mission to Circassia.<sup>25</sup> Yet, the Congregation decided to recall Father Innocent Felici of Malta to Italy where his good command of Ottoman-Turkish was in great demand to help publishing books for the missionaries serving in the Ottoman Empire.<sup>26</sup>

It should be emphasized that the letter sent by Ludovico Carrera, a Dominican father, who joined the mission in 1635<sup>27</sup> confirms the version of events as described by Father Innocent Felici of Malta.<sup>28</sup> Both accounts as well as letters authored by other missionaries provide evidence to the sharp conflicts within the local Dominican community, which were increased after the first head of the mission, Emiddio Portelli d'Ascoli left the peninsula and Reginaldo Paolini was nominated on his place in October 1635.<sup>29</sup> The letters sent by Ludovico Carrera contain the most severe accusations addressed towards three of his co-missionaries: Anthony of Flanders, Reginaldo Paolini and Giovanni of Lucca. He depicted them as corrupted drunkards sleeping with local women and involved in the trade of Christian slaves<sup>30</sup> Leaving aside these fascinating issues, here one should stress that the case indicates that the court proceeding was influenced by the politics. Father Innocent Felici of Malta seems to confess himself that he has regain his freedom not only because of lack of evidence, but also thanks to the elevated status of his lady-friend and her close contacts with one of the Khan's wives. The letter also informs us on certain aspects of the prison organization in the Khanate. The case of Father Innocent demonstrate that a house of a khan's officer could be used in this capacity, Innocent was put into

25 APF, SOCG, vol. 106, f. 335r-337v. On Giovanni of Lucca see: Raymond Loenertz, "Le origini della missione secentesca dei Domenicani in Crimea", *Archivum Fratrum Praedicatorum*, 5, 1935, pp. 261–288; Ambrosius Eszter, "Giovanni Giuliani da Lucca O.P. Forschungen zu seinem Leben und zu seinen Schriften", *Archivum Fratrum Praedicatorum*, 37, 1967, pp. 353–468; idem, "Die 'Beschreibung des Schwarzen Meeres und der Tatarei' des Emidio Portelli d'Ascoli O.P.", *Archivum Fratrum Praedicatorum*, 42, 1972, pp. 199–249; idem, "Missionen in Randzonen der Weltgeschichte: Krim, Kaukasien und Georgien" in: *Sacra Congregationis De Propaganda Fide Memoria Rerum 1622–1972*, ed. Josef Metzler, vol. 1, part 1: 1622–1700, Herder, Rome 1971, pp. 650–679; idem, "Missionen im Halbrund der Länder zwischen Schwarzem Meer, Kaspisee und Persischem Golf: Krim, Kaukasien, Georgien und Persien", in: *Sacra Congregationis De Propaganda Fide Memoria Rerum 1622–1972*, ed. Josef Metzler, vol. 2: 1700–1815, Herder, Rome 1971, pp. 421–462.

26 APF, Fondo Lettere, vol. 17, f. 91r-v.

27 APF, SOCG, vol. 135, f. 483r-484r.

28 APF, SOCG, vol. 135, f. 480r-481v.

29 APF, Fondo Lettere, vol. 15, f.123r.

30 APF, SOCG, vol. 106, f. 323 r-v, 324 r.

custody there instead, for example, to be placed in the Khan's prisons in Çufut Kale, which was quite close to Foti-sala.

### A German Merchant Robbed in the Crimean Khanate

The third case concerns Nicolas Kleemann, a merchant from the Habsburg Monarchy, who undertook a trade travel to the Middle East through Crimea in 1768-1770. In April 1769, he was robbed in Kara Su by his Armenian interpreter, Khachatur Kyriagos. Local inhabitants advised him not to waste his time for seeking justice in front of the district court, but to set his claims directly in Bahçesaray, the capital of the Khanate. Consequently, Kleemann moved to the capital city, where he asked for the help of French consul, Monsieur Jérémie, who was most probably a deputy left by Baron de Tott who then accompanied Khan Kırım Giray<sup>31</sup> during his campaign in Moldavia and Bucak. He was accompanied by the *kalga*,<sup>32</sup> *nuraddin*,<sup>33</sup> vizier, kadiasker and many other officials. Apparently he left the mufti as his *kaymakam*<sup>34</sup> in Bahçesaray. The Khan died in Moldavia in March 1769 and his successor was sent to the Crimea not earlier than April.<sup>35</sup> On April 12<sup>th</sup>, Monsieur Jérémie presented Kleemann to the *kaymakam*. At the end of this month, Kleemann had not yet learnt about the Khan's death.<sup>36</sup> When the *kaymakam* heard about the merchant's misfortune, he sent janissaries<sup>37</sup> to various Crimean cities such as Kara Su or Kefe to search for Khachatur and bring him before the court. In three days, on April 15<sup>th</sup>, the emissaries returned to Bahçesaray along with the Armenian.

31 Kırım Giray was the Crimean ruler in the years 1758 – 1764 and 1768 – 1769.

32 The dignity of the *kalga*, the first deputy of the khan, dates back to the second reign of Mengli I Giray (1478-1515). The *kalga* was assigned a part of the Khanate's territory with the capital in Ak Mescid. For more on the subject see J. Matuz, 135. Joseph Matuz, "Qalga", *Turcica* 2 (1970), pp. 101-129.

33 The post of *nuraddin*, the second deputy of the khan, dates back to the year 1579. The *nuraddin* enjoyed the right to participate in the khan's council, to use the appropriate title and to receive a relatively high income. His exalted position was also stressed by his right to maintain direct diplomatic correspondence with foreign rulers.

34 In the Khanate, the *kaymakam* was a deputy of the khan or *kalga*.

35 Cf. F. Tott, French version, pp. 109-110.

36 See F. Tott, French version, pp. 109-110, 139-142, 146; N. Kleemann, *Voyage de Vienne à Belgrade et à Kilianova, dans le pays des Tartares Budziacs & Nogais dans la Crimée, & de Kaffa à Constantinople, au travers de la mer Noire, avec le retour à Vienne, par Trieste : fait dans les années 1768, 1769 et 1770*, Neuchâtel 1780, pp. 108-109.

37 In the Crimean Khanate, existed the regular military units directly subordinated to the khan or the *kalga*; their formation was patterned to some extent on the janissary corps, hence they were also called "janissaries" in the Crimean sources.

Kleemann, accompanied by Monsieur Jérémie, immediately arrived to the *kaymakam*'s palace for the court proceeding. The Khan's deputy, seated on an elevated sofa and with a staff in his hand, was surrounded by numerous officials. Khachatur was already there. As soon as Kleemann greeted the *kaymakam*, he and his proxy were allowed to sit. The merchant testified first. Then *kaymakam* asked Khachatur to reply to the accusations. The interpreter, instead of commenting on Kleemann's grievances, started to talk at length about his work for Kleemann since their departure from Vienna. While he was describing the cruelty of the German merchant, *kaymakam* ordered him to be quiet. Then he asked Kleemann whether he preferred to conclude an amicable settlement with the defendant or he would rather rely on the court's justice. When the merchant chose the second option, *kaymakam* warned the accused about the horrible consequences of his crime. Moreover, he advised Khachatur Kyriagos not to deny the accusation any longer by warning that his testimony would be extorted by flogging. Out of fear, the Armenian promised to return everything what he had stolen from Kleemann. Next day, on April 16<sup>th</sup>, (April 16th), Khachatur left Bahçesaray to return to Kara Su. Kleemann, before his departure, obtained from *kaymakam* a letter to the *kadi* of Kara Su, which contained the record of the proceeding. In Kara Su, Kleemann had to demonstrate this letter in the local court, because Khachatur Kyriagos appeared to be unwilling to return the stolen goods. When the district *kadi* saw *kaymakam*'s letter, he extended help to the German merchant.<sup>38</sup>

This case confirms that people had the right to seek justice in front of the Khan's council. Surrounded by the council members, the ruler or his deputy during his absence acted as a judge to his subjects from various parts of the Khanate. They also judged difficult cases such as that of Kleemann. The hearings were open to the public. The legal practice before the Khan's court resembles the procedures utilized in the courts headed by *kadi* and *kadiasker* in the Crimea. All three cases confirm that in the courts in the Khanate cases were judged according to the sharia law interpreted by the Hanafi school.<sup>39</sup>

38 N. Kleemann, *Voyage de Vienne à Belgrade et à Kilianova*, pp. 90-107.

39 More on the judicial proceedings before the khan's council see: N. Królikowska, *Law and Division of Power in the Crimean Khanate*, pp. 98-107.

### **Conclusion**

The stories described above offer an insight into the way the Crimean court treated foreigners. It is worth to emphasize that three cases involve individuals of different origins and religion. Moreover, the parties appeared in front of the Crimean judges from diverging reasons and in dissimilar circumstances. It is also has a special special importance as data on the court proceedings were preserved in three different types of sources written down by both: the adjudicated foreigners and a writer of the Crimean court. Therefore, the sources used in the present study offer different perspectives. All described cases confirm that foreigners used the Crimean courts and could successfully defend themselves in these judicial fora. The cases of Ismail and Kleemann verify the uncorrupted and efficient system in which even a person turned against law into slave or a robbed foreigner could eventually regain his status or goods thanks to the actions of the Khan's officials. The case of Father Innocent Felici of Malta, on the other hand, leaves rather ambiguous picture of the Khan's justice. The role played by the khan's harem indicates that the judicial courts were influenced by the local elite. Yet, both letters sent by the Dominican fathers as well as the reaction of the Congregation indicate that there was no legal proof of the guilt of Father Innocent Felici of Malta. Therefore, the Khan's judge acted in accordance to the sharia, when the court cleared him of all charges.

Clearly, the cases discussed above do not allow us to draw general conclusions on the Crimean-Tatar attitude towards the foreigners visiting the peninsula and on the latter' situation in the Crimean Khanate. Yet, they offer a valuable insight since they describe the way the judicial officials behaved towards the individuals, who were not the subject of the khan. Obviously, there is still much to learn about the status of the foreigners in the Khanate. A better understanding of this subject could follow from deepening of our knowledge not only on their legal status but also on all other aspects concerning their daily life in the Khanate.

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